



# ILCC News

Volume XX  
Winter 2006-07

## Inside This Issue

TrAIL, *Don't Be Sorry* expand to suburbs. . . . . 1

New law regarding open wine bottles. . . . . 2

Order your FREE Special Event DVD . . . . 2

e-Service makes it easy to file your return. . . . . 4

Order your Tobacco Kit today! . . . . . 4

Protect yourself and others. . . . . 5

Are you a top ten violator? . . . . . 5

Responsible Alcohol Service . . . . . 6

Retailer scan devices . . . 6

Illinois salvaged liquor requirements . . . . 7

Enhanced phone system in place . . . . . 7

FREE ILCC materials. . . 8

[www.state.il.us/lcc](http://www.state.il.us/lcc)

## TrAIL, *Don't Be Sorry* expand into Chicago suburbs

### Education and enforcement programs also debut in northwest Illinois

On October 19, Governor Rod R. Blagojevich expanded the state's efforts to crack down on underage drinking by introducing the **TrAIL** (**Tracking Alcohol in IL**) and *Don't Be Sorry* programs to the suburban Chicago collar counties of Kane and McHenry.

Less than a month later, three **TrAIL** investigations were underway and the program's first suburban Chicago arrest was in the books.

And, on December 19, **TrAIL** was introduced into the northwestern Illinois counties of Jo Daviess, Carroll, and Whiteside.



Funded through a \$100,000 traffic safety grant from the Illinois Department of Transportation, **TrAIL** is designed to target alcohol sources in underage drinking-related fatalities and injuries. The program was originally launched in August 2006 on a pilot basis in Sangamon and Jackson counties. To complement the increased law enforcement, the Governor also expanded the state's *Don't Be Sorry* educational campaign which teaches kids the consequences of underage drinking.

"As parents, we love our children and try to teach them to make good decisions. But we can't be with our kids all of the time to make sure they do the right thing. That's why **TrAIL** is so important. It helps us track people who sell or give alcohol to minors. If we're serious about curbing underage drinking, we need to address the problem from every aspect, and that includes both teaching kids to do the right thing and providing consequences to those giving alcohol to minors," said Governor Blagojevich.

Under the **TrAIL** program, a special investigation is conducted when underage alcohol consumption is suspected in an incident—such as a car crash, underage drinking party, alcohol poisoning/overdose, sexual assault or other event—that results in injury or death. If the above criteria are met, first responding officers will call a 24-hour hotline number to deploy an investigator, who will

*continued on page 3*

## New law regarding open bottles of wine

### Sealing and removal of open wine bottles from restaurants now legal

**B**eginning January 1, 2007, restaurant patrons will no longer need to leave behind their unfinished bottle of wine thanks to a new law signed by Gov. Rod Blagojevich this past year.

With the Illinois General Assembly's passage of SB946 (Public Act 094-1047), a restaurant licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises.

Additionally, the partially consumed bottle of wine **MUST** be securely sealed by the licensee (or an agent of the licensee) prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

Wine that is resealed in accordance with the above provisions will not be considered an "unsealed container" for the purposes of Section 11-502 of the Illinois Vehicle Code.



## ILCC News

### Article suggestions are welcome!

The Commission welcomes your input to enhance the ILCC News publication. If you have a suggestion for an article topic or a helpful hint to share with other licensees, please contact the Commission's Chicago Office.

ILCC News is published by the Illinois Liquor Control Commission for state liquor licensees, local government officials, industry associations and related government agencies.

**Managing Editor:**  
Ted Penesis

**ILCC Website:**  
[www.state.il.us/lcc](http://www.state.il.us/lcc)

**ILCC Email:**  
[ilcc\\_info@mail.state.il.us](mailto:ilcc_info@mail.state.il.us)

**Chicago Office**  
100 West Randolph Street  
Suite 7-801  
Chicago, IL 60601  
Phone: 312.814.2206  
Fax: 312.814.2241

**Springfield Office**  
101 West Jefferson  
Suite 3-525  
Springfield, IL 62702  
Phone: 217.782.2136  
Fax: 217.524.1911

A portion of the fees for this publication was funded by the National Highway Traffic Safety Administration and Illinois Department of Transportation, Division of Traffic Safety.

## Order your FREE Special Event DVD

**A** question we frequently receive from our licensees is: How do I apply for the needed licenses when hosting an event away from our licensed premise? The answer to this question is easier than you think. To make the process less intimidating, the Illinois Liquor Control Commission has produced a DVD entitled *How to Apply For a Special Event License*.

Designed to assist both current licensees (which requires a Special Use Permit) and non-profit organizations (Special Event License), this short video presentation provides step-by-step instructions and tips on how to stay within the law.

To order your FREE copy, please visit our website at [www.state.il.us/lcc](http://www.state.il.us/lcc) and click on the "FREE Special Event DVD" link, located on the right side of the screen. If you have any additional questions regarding the licensing process, please call 312.814.2206.



assist in the collection of evidence and determine where the alcohol was purchased or served.

"When our teenagers leave the house, we as parents worry about all the dangerous influences they may face on a day to day basis," First Lady Patricia Blagojevich offers. "This program will reduce these influences by investigating stores that sell alcohol to minors. The Governor and I are dedicated to making this state safer for all of our children. We are committed to programs like **TrAIL** and **Don't Be Sorry**."

Since the tragic loss of her son, Glenview parent Debra Tyrpak has become a committed advocate against underage drinking and a strong supporter of these new programs. "The issue of teens and drinking has long been overlooked. Establishments, possessing an Illinois liquor license, must realize it is a privilege to be granted a license. It is their duty to uphold the laws pertaining to that license."

Conducting a **TrAIL** investigation immediately after an incident greatly increases the odds of successfully tracking the alcohol purchase, according to law enforcement professionals. While the initial responding officer concentrates on the immediate aftermath of the incident (i.e., monitoring traffic flow, coordinating emergency vehicles around the scene, interviewing those involved in the incident, etc.), a **TrAIL** investigator will focus specifically on determining where the alcohol was purchased.

The **TrAIL** program has already achieved successes in the four pilot counties. For example, in Carbondale, an 18-year-old suffered alcohol poisoning and was taken to the emergency room. A **TrAIL** investigator was deployed and able to identify the adult who provided the teen with alcohol. The adult was arrested and criminal charges are pending, giving peace of mind to the teen's parents.

## Education a key component

To bring the consequences of underage drinking "to life", the **Don't Be Sorry** educational campaign complements the enforcement program in all pilot counties.

"If we are to change behaviors, education and enforcement go hand-in-hand. With this in mind, materials have been created not only for the teens, but for parents and liquor retailers as well," said Ted Penesis, Industry Education Manager for the Liquor Commission.

The most recent **Don't Be Sorry** event occurred at Southern Illinois University in mid-November. "During this day, students enjoyed a fun atmosphere but received a sobering message by being exposed to messages, materials, and activities illustrating the dangers of alcohol consumption."

They began by experiencing the thrill of driving a NASCAR.

That feeling of control, however, was replaced with the numb sensation of driving intoxicated as they took a ride in a drunk driving simulator. Finally, students wore "fatal vision goggles" to see how they would perform on drunk driving tests that would be administered after they are pulled over.



A drunk driving simulator (top) and NASCAR simulator were part of the activities at the Nov. 11 **Don't Be Sorry** event at SIU. For more information about this educational program, please visit [www.DontBeSorry.org](http://www.DontBeSorry.org).



## e-Services makes it easy to file your returns



**A**s a liquor licensee, you can file your ST-1, Sales and Use Tax return, using the Illinois Department of Revenue's e-Services. E-Services now has three different electronic filing options for sales tax. These options provide secure transactions, are fast and easy, provide proof of filing and paying, reduce errors, are convenient, and paperless.

The most popular filing option is **Sales and Use Tax Web Filing**. This option is available for free through the Department of Revenue's website: [www.tax.illinois.gov](http://www.tax.illinois.gov). In Fiscal Year 2006, over 157,000 returns were filed using this option, a three-fold increase over the FY2005 total.

For those who prefer to use the telephone, **TeleFile** is another viable option. Pick up the phone and keypunch in your return information. As more taxpayers migrate to web filing, this option has seen a decrease of returns (from 112,000 in FY2005 to 93,000 in FY2006).

The newest electronic filing option is for **Tax-Preparation Software**. If you are currently using software to prepare your sales and use tax returns, notify your software company that you are interested in filing these returns electronically instead of printing and mailing them.

For more information regarding any of the above filing options, visit [www.tax.illinois.gov](http://www.tax.illinois.gov) on the web or contact the Department of Revenue's Electronic Commerce Division at 217.524.4767.

## Order your Tobacco Kit today!

**T**he Tobacco Retailer Kit is designed to provide additional support to community leaders and retailers in their effort to facilitate compliance to minimum-age tobacco laws.

The kit includes a review of state minimum-age tobacco laws, required signage, training guides for managers and clerks on age verification techniques, and various point-of-sale posters that bring a humorous tone to the issue of age verification. In addition, the kits are effective in reducing the number of requests made by underage minors and reduce the anxiety clerks commonly feel when asking customers for age verification.

To order your Tobacco Retailer Kit, please call 312.814.6884 or visit [www.state.il.us/lcc/tobacco](http://www.state.il.us/lcc/tobacco)



## Protect yourself and others

### Liquor store clerks and owners: Keep track of large liquor purchases

As indicated in our cover story, the Illinois Liquor Control Commission (ILCC) has placed an increased emphasis on holding accountable adults who provide alcohol to our children. With the state now tracking alcohol purchases when underage drinking leads to injury or death, keeping accurate records may help you—and help us—show customers the importance of supervising liquor consumption. It can also verify your store sold the alcohol legally, and that the problem may be elsewhere.

For example, one place teens gain access to alcohol is at large parties. While the alcohol may be legally purchased, large gatherings often lead to a lack of supervision, which teens can easily exploit. In the end, you cannot be responsible for the supervision at these parties, but your customers must know that once the liquor is purchased, they can be held accountable for providing alcohol to a minor.

So how can you help keep alcohol from those who are underage? If you are a liquor store owner or clerk, one way is simply to follow the law. According to the Code of Federal Regulations:

*“Any person who sells or offers for sale distilled spirits, wines, or beer, in quantities of 20 wine gallons (75.7 liters) or more, to the same person at the same time, shall be presumed and held to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, unless such person shows by satisfactory evidence that such sale, or offer for sale, was made to a person other than a dealer.”* (27CFR194.28)

How does this statute affect liquor retailers? It means when a patron purchases at least 75.7 liters (20 gallons) of beer, wine, or distilled spirits, the sale **MUST** be recorded with the following information: 1) date of sale; 2) name and address of the purchaser; 3) the kind and quantity of each kind of liquor sold; and 4) the serial numbers of all full cases of distilled spirits included in the sale. (27CFR194.234)

Keep in mind, 75.7 liters (20 gallons) is the equivalent of less than nine (8.88) cases of beer. And a half-barrel (keg) of beer contains 15.5 gallons of alcohol. Therefore, should a patron purchase either two kegs OR nine cases of beer, the sale **MUST** be recorded with the information listed in the preceding paragraph.

Keeping alcohol out of the hands of our children is a shared responsibility of all Illinois citizens. As a liquor retailer, you can do your part by tracking large purchases of alcohol. Not only is it the right thing to do, it's the law.

ILCC Special Agents **David M. Copeland** and **David O'Dell** contributed to this article.

### Are you a top ten violator?

Illinois Liquor Control Commission (ILCC) special Agents issue thousands of dollars in fines each day for infractions where liquor licensees are simply unaware of the law. For example, did you know the Illinois Liquor Control Act requires all licensees to post a government warning sign indicating the dangers of alcohol to pregnant woman?

You can order this sign—along with all the liquor rules and regulations—by ordering our FREE packet of materials (see back page for ordering instructions). Meanwhile, it would be in your business' best interest to ensure the violations listed below are taken care of before you are visited by an ILCC investigator.

#### FY 2006 top ten violations:

- 1) Contaminated liquor (746).
- 2) Sale to minors (497).
- 3) Pregnancy warning sign not displayed (285)
- 4) Revenue certificate not attached to coin operated amusement devices (186).
- 5) State license not displayed (156).
- 6) IBT (Illinois Business Tax) certificate not available (142).
- 7) 90 days of invoices (or waiver) not available (141).
- 8) Unsanitary taps (91).
- 9) Gambling on premises (80).
- 10) Liquor purchased at retail (67).

(Note: Fiscal years run from July 1 – June 30)

## Responsible Alcohol Service = Greater Profit

By Lee J. Roupas, ILCC BASSET Program Manager

The first impression a business owner may get if they enforce a strict alcohol service policy and obey the law by not over serving customers, is a decrease in profits.

But let us take a look at the greater cost if patrons are over served and the law is not obeyed. There is greater likelihood of a business being shut down because one customer is over served and decides to get into his or her car and kill someone because they operated their vehicle intoxicated. It will cost someone's life and a business owner's livelihood. It will also cost employees their jobs and they would have to seek employment elsewhere.

Seller/server training can prevent loss of business and retain customers by providing better customer service. Seller/server training enables servers to be more alert and pay greater attention to their customers. Servers desire to give top service to their customers for better tips and repeat business. If customers are served alcohol responsibly, they can consume alcohol responsibly and enjoy themselves at an establishment. When they enjoy themselves they will buy more drinks and come back to an establishment. Seller/server training can create a safer

establishment rather than an unsafe establishment where patrons are over-served resulting in alcohol-related problems.

Intoxicated customers can get unruly and disrupt other customers. Unruly patrons can cause a disturbance and drive good customers away by being an annoyance and causing problems. An establishment faces the risk of losing customers when over-served and intoxicated customers prevent others from enjoying themselves. You will find them leaving an establishment earlier than planned. Besides, if customers become intoxicated or customers leave it means less money spent on drinks and loss of tips for servers.

It makes no sense to over-pour or over-serve. Keep an establishment safe, don't over serve, and if servers enroll and follow the practices taught in server training can keep customers and lead to greater profits and more tips.



## Are retailers allowed to scan state licenses and IDs to verify age?

By Ivan Fernandez, ILCC Legal Counsel

Many Illinois liquor licensees utilize scanning devices to determine the authenticity of driver's licenses presented to them by their customers. A newly enacted provision of the Illinois Vehicle Code prohibits the scanning of "encrypted" information on Illinois driver's licenses. Specifically, Section 5/6-301.2(b-1) of the Illinois Vehicle Code makes it a violation "to possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the reading of *encrypted language* from the bar code or magnetic strip of an official Illinois driver's license." The effective date of the law was June 26, 2006.

Question: **May Retailers continue to scan state licenses and state IDs to verify age?**

Answer: **YES.**

The law bans scanning of "encrypted" information contained in the bar codes. According to the Illinois Secretary of State's

Office, an individual's date of birth, card expiration date and card number are **not encrypted**, therefore, scanning to obtain this information remains **legal**.

Furthermore, since retailer scanning is done to detect possible fraud and/or to prevent a criminal offense, it is an **allowable exception** to the law. Scanning software designed to detect a fraudulent or fake ID is an effective tool to prevent minors access to alcoholic liquor and tobacco products. However, deterring access to minors often takes more than the latest technology. As always, the best way to prevent access to minors is to employ responsible people and to provide them with good training.

To that end, the ILCC strongly recommends all licensed retailers enroll their employees in the BASSET (Beverage Alcohol Seller and Server Training) Program. Please contact Lee Roupas at 312.814.0773 or visit the web at [www.state.il.us/lcc/BASSET](http://www.state.il.us/lcc/BASSET) for enrollment information.

## An overview of Illinois salvaged liquor requirements

By Eric Wisette, ILCC Agent Supervisor

**D**id you have the misfortune of your premises being involved in a flood, fire, wreck or similar occurrence? The Illinois Liquor Control Commission (ILCC) has jurisdiction in the resale of alcoholic liquors that have been involved in the mishap. Section 100.150 of the ILCC's [Rules and Regulations](#) provides guidelines for the inspection and resale of salvaged alcoholic liquor in Illinois.

The first determining factor for the fate of the distressed liquor lies with the local health department. Their decision can be a "total loss" of the inventory, where no resale of the liquor is allowed. If a total loss is declared, the liquor must be destroyed in accordance with the local jurisdiction's provisions.

The Commission requires that any distressed merchandise declared as "resalable" must have a label affixed diagonally to identify it as such. There are regulations as to the label size and type of print. The following statement shall be printed on the label:

*"The alcoholic beverages contained herein have been designated distressed merchandise by the Illinois Liquor Control Commission. This container has been salvaged from a fire, flood, wreck or similar catastrophe. This label is not affixed by the manufacturer. Do not remove this label."*

If the distressed liquor inventory is insured and declared "resalable", it becomes property of the insurance company, who will settle the claim with the licensee. The insurance company or its duly authorized representative can then resell the acquired inventory to licensed retailers or directly to the public once they obtain proper licensing.

After the liquor inventory has been cleaned and labeled, a request is made by the licensed salvager for a physical inspection by the ILCC to determine that there has been compliance with the provisions of the Rules and Regulations. The original packages can not have label damage that would make the product illegible or not meet the Commission's labeling requirements. Any such package would be rejected for resale.

Should the inventory pass inspection, a release letter is issued by the Commission. If a distributor's license is held by the salvager,

a record must be provided to the Commission containing the name of the liquor licensee the inventory was sold to, their address, and state liquor license number. If a retail liquor license is held, the sale is made direct to the public.

Lastly, there are some other obligations under the Section 100.150 rule you may wish to review. For example, tax-related issues, rules for selling distressed product at auction, and information on filing an affidavit that the loss occurred in Illinois are covered in full detail.

Please visit [www.state.il.us/lcc](http://www.state.il.us/lcc) for ILCC [Rules and Regulations](#) or call the Legal Division at 312.814.4801 for more information.

### New enhanced phone system now in place

**T**he Illinois Liquor Control Commission (ILCC) has instituted a new and improved voice-mail system to better serve our customers. When placing a call to either our Chicago (312.814.2206) or Springfield (217.782.2136) offices, you will now be immediately connected to the correct department by choosing one of the four main options below:

**PRESS 1 for Licensing** and then select the appropriate sub-menu option.

**PRESS 2 for Legal** if you wish to speak with ILCC's legal counsel.

**PRESS 3 for Investigations.** Please note, you may visit our website at [www.state.il.us/lcc](http://www.state.il.us/lcc) to file a complaint.

**PRESS 4 for Industry Education.** Please choose this option to contact the tobacco, underage, and retail (BASSET) education programming staff.



## Illinois Liquor Control Commission



100 West Randolph Street  
Suite 7-801  
Chicago, IL 60601

Rod R. Blagojevich  
Governor

Irving J. Koppel  
Chairman

Don W. Adams  
John M. Aguilar  
Daniel J. Downes  
James M. Hogan  
Lillibeth Lopez  
Stephen Schnorf  
Commissioners

If you plan to imbibe  
this New Year's,  
please do so safely...



New Year's Eve is one  
of the deadliest nights for  
drunk driving fatalities.  
Don't become a statistic.

Enjoy the holidays, but please  
don't drink and drive.



Order your **FREE**  
ILCC materials  
today!

The following FREE  
Liquor Commission  
materials are available  
for all licensees by  
visiting the web at  
[www.state.il.us/lcc/  
materials.asp](http://www.state.il.us/lcc/materials.asp) or  
calling 312.814.4802:

Illinois Liquor Control Act  
and ILCC/BASSET Rules  
and Regulations.

"Happy Hour Law" and  
"Just the Facts" fliers.

Alcohol "Proof of  
Age" and "Pregnancy  
Warning" signs.

BASSET Program  
Brochure and Age-  
Verification Guide.

"We Card Hard" decal  
and Liquor Licensee  
Employee Training Guide.